

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, FEBRUARY 19, 2014 MEETING**

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30PM by Chairman Hansen at the Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: Phil Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Phil Mekas, Thom Phillips, and Michael Raatz. Excused absences Mary-Ellen Miller and James Smith.

Also present: Courtney Nicholls, Assistant Village Manager; Carol Jones, Village Clerk; Tom Ryan, City Charter Commission Attorney; Scott Morrison and Marilyn Raatz.

C. APPROVAL OF THE AGENDA

Motion Jack Donaldson; support Phil Arbour to approve the agenda as presented. Unanimous voice vote approval with Miller and Smith absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – February 12, 2014

Motion Phil Arbour; support Michael Raatz to approve the minutes with the following correction:

Page 2, the motion to approve the first reading of Section 1, add James Smith as the support for the motion.

Unanimous voice vote approval with Miller and Smith absent.

E. PREARRANGED PARTICIPATION

None

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – SECOND READINGS

None

H. CHARTER CONSTRUCTION – FIRST READING

1. Discussion of: Elections (continued from 2/12/14)

Motion Michael Raatz; support Phil Arbour to approve the first reading of Section 18 – Recount.

A recount of the votes cast at any city election of any office or upon any proposition may be had in accordance with the state statute.

Unanimous voice vote approval with Miller and Smith absent.

Motion Jack Donaldson; support Thom Phillips to approve the first reading of Section 19 – Interim Election Cycle.

Subject to Sections ?? (under Transitions) of this charter, the City Council and Mayor shall be elected. The Mayor shall be elected for a term ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2018. Three (3) city council persons shall be elected for terms ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2018 and three (3) city council persons shall be elected for terms ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2016. At each subsequent election, the Mayor and council persons shall be elected subject to Section 2.?? (under City Council).

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Matt Kowalski to approve the first reading of Section 20 – Purity of Election; State Lawful and Unlawful Acts.

Voice vote in favor of the motion – one; voice vote to not approve – six; motion fails.

Motion Jack Donaldson; support Michael Raatz to approve the first reading of Section 21 – Recall.

Motion Phil Arbour; support Jack Donaldson to amend this section and use the language provided by Jack Donaldson.

Unanimous voice vote approval with Miller and Smith absent.

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. The temporary vacancy of the recalled official(s) shall be filled in accordance with Section 2.06 (c)(2) and shall be effective until a successor shall be elected under the provision of this Charter.

Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Jack Donaldson; support Matt Kowalski to revise the language in Section 10 – Nominations – Approval of Petitions.

Previously approved language:

The City Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the City Clerk, in accordance with the state deadline before the election and which, considered together, contain the required number of valid signatures of a minimum of 15 and maximum of 25 registered electors for candidates having those qualifications required for the respective elective city offices by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Modified language:

The nominating petitions shall be submitted in accordance with the state deadline for filing petitions. The petition(s) shall contain a minimum of 15 and a maximum of 25 registered electors for a candidate having the qualification required for the respective elective city office by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.
Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Phil Arbour; support Matt Kowalski to approve the first reading of Section 22 - Notice of Election, Acceptance of Office.

Motion Phil Arbour; support Michael Raatz to use Mr. Smith's revised wording of this section.

Unanimous voice vote approval with Miller and Smith absent.

Notice of the election as Mayor or member of City Council shall be given by the City Clerk within five (5) days after the certification of the election by the Board of Canvassers. If within twenty (20) days from the date of notice, such elected official shall not take, subscribe and file with the City Clerk their oath of office, such neglect

shall be deemed a refusal to serve and the elected office shall thereupon be deemed vacant.

Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Phil Arbour; support Jack Donaldson to open discussion on mayoral candidate withdrawing or not withdrawing from city council to run for that office. Discussion followed.

Motion Phil Arbour; support Jack Donaldson to table this item and discussed at a future meeting.

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Thom Phillips to approve the first reading of Section 23 – Initiative and Referendum Petitions – Generally. (Caro - Section 8.11)

Any ordinance may be initiated by petition, or a referendum on an enacted ordinance may be made by petition as hereinafter provided.

Unanimous voice vote approval with Miller and Smith absent.

Motion Michael Raatz; support Jack Donaldson to refer Section 24 – Petitions for Initiatives and Referendums (Caro - Section 8.12) to Ms. Nicholls to update to remove redundancy with state law.

(a) An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within forty-five (45) days before the date of filing the petition with the City Clerk.

(b) Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition papers identical as to contents and simultaneously filed by one (1) person.

(c) An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.

(d) A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.

(e) Each signed of a petition shall be a registered elector of the city and shall sign his or her name thereon and after his or her name, the date and his or her place of residence by street and number, or by other customary designation.

(f) To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.

(g) Such petitions shall be filed with the clerk who shall, within fifteen (15) days, verify the signatures thereon.

(h) If the petition does not contain a sufficient number of signatures of registered electors of the city, the City Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.

(i) When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next regular meeting.

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Jack Donaldson to approve the first reading of Section 25 – Petitions – Council Procedures, Submission to Electors (Caro – Section 8.13).

Upon receiving an initiative or referendum petition from the City Clerk the council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.
- (d) Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, at the discretion of the council, at a special election called for that specific purpose.
- (e) In the case of an initiative petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the council and the council does not adopt the ordinance, then the council shall call for a special election within ninety (90) days or as soon thereafter as an election may be permitted by law, from such time for the submission of the initiative petition.
- (f) The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Unanimous voice vote approval with Miller and Smith absent.

Motion Matt Kowalski; support Thom Phillips to approve the first reading of Section 25 – General Provisions; Suspension. (Caro – Section 8.14)

- (a) The presentation to the council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors.
- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one (1) year after the dated of the election at which it was repealed.
- (c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provision in the ordinance receiving the highest number of affirmative votes shall govern.

Unanimous voice vote approval with Miller and Smith absent.

2. Discussion of: Taxation

Motion Michael Raatz; support Phil Mekas to approve the first reading of Section 1 – Power to Tax.

In order to carry out the purposes, powers, and duties of the city government, established by this charter, and subject to state law where applicable, the city may assess, levy, and collect ad valorem taxes, rents, tolls, and excise taxes.
Unanimous voice vote approval with Miller and Smith absent.

Motion Jack Donaldson; support Phil Mekas to table Section 2 – Subject of Taxation until the February 26 meeting.
Unanimous voice vote approval with Miller and Smith absent.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

Chairman Hansen spoke of an invitation to speak to the Cedar residents on March 13 at 4 PM.

J. AGENDA PREPARATION FOR THE NEXT MEETING

Next meeting:
Second Reading on Elections
Continue work on the Taxation Section

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Phil Arbour; support Matt Kowalski to adjourn at 8:35 PM.
Unanimous voice vote approval with Miller and Smith absent.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____

VILLAGE OF DEXTER

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MEMO

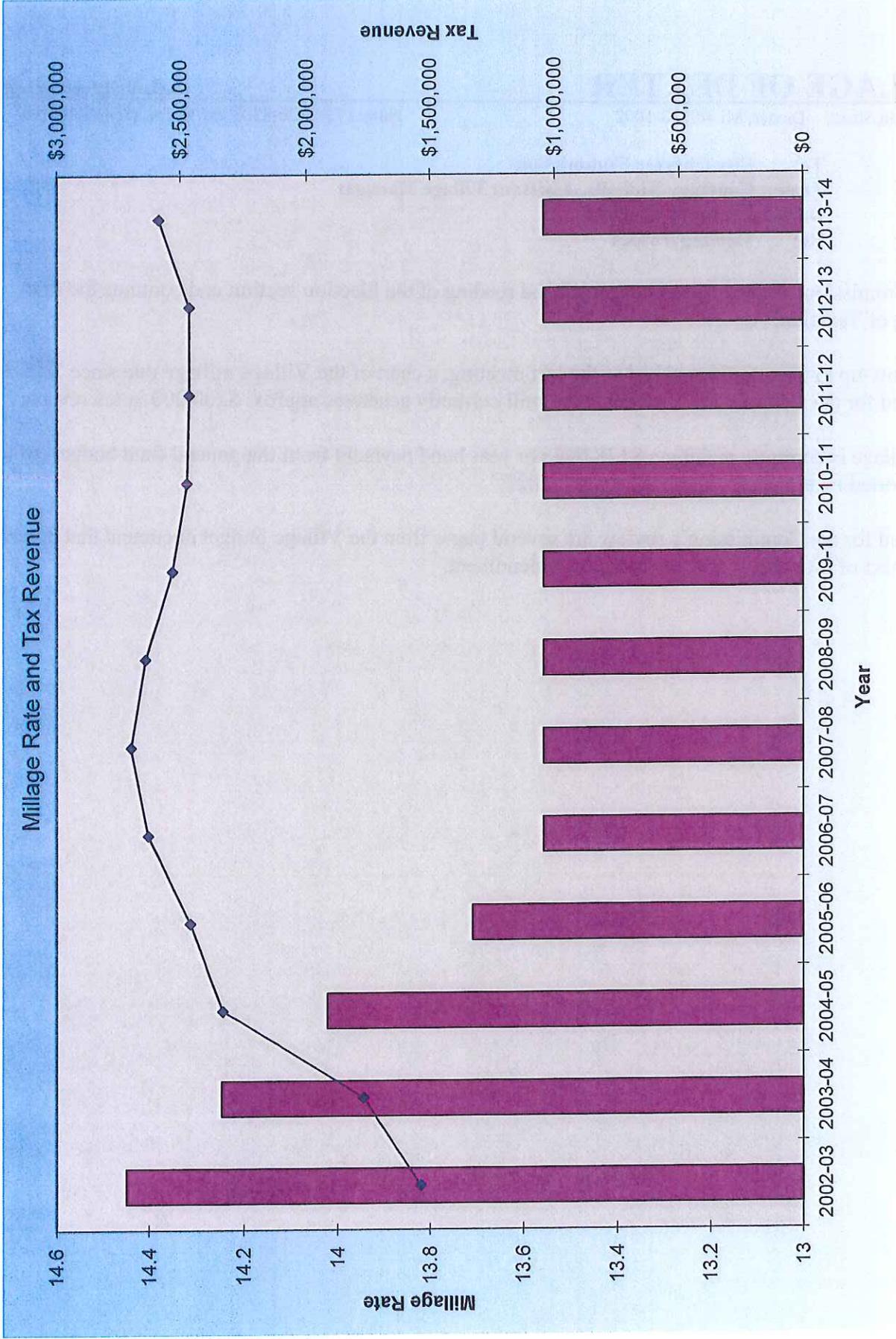
To: City Charter Commission
From: Courtney Nicholls, Assistant Village Manager
Date: February 21, 2014
Re: Meeting Topics

The Commission is scheduled to have a second reading of the Election section and continue the first reading of Taxation.

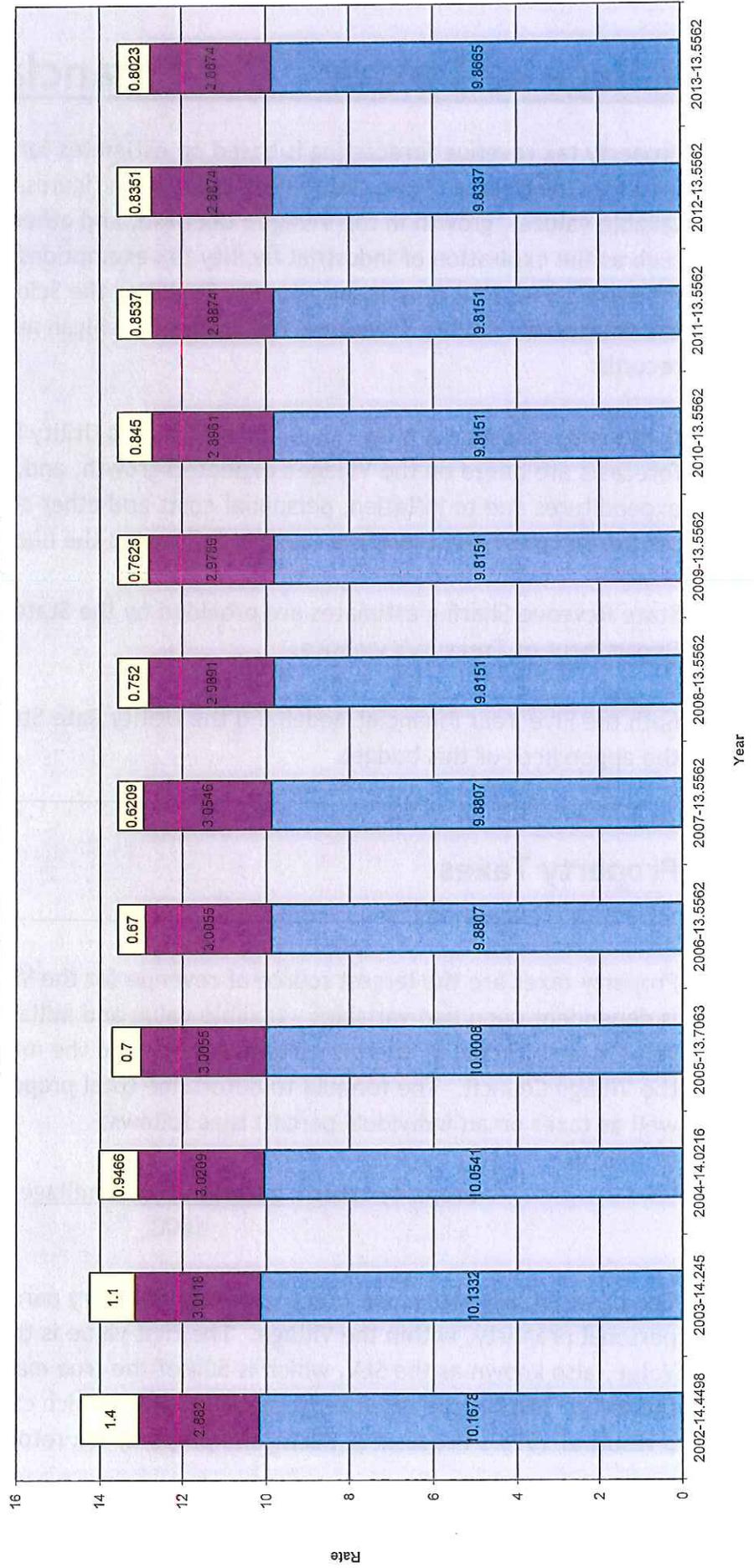
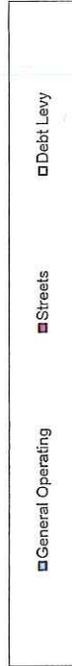
As follow-up to the questions asked at the last meeting, a chart of the Village millage rate since 2002 is provided for the Commission's review. One mill currently generates approx. \$200,000 in tax revenue.

The Village is currently making a \$128,000 per year bond payment from the general fund budget (which is supported by the operating millage) until 2027.

Attached for the Commission's review are several pages from the Village budget document that describe the impact of Proposal A and the Headlee Amendment.



Millage Rate



Property tax revenue forecasting is based on estimates for future increases/decreases of the state's rate of inflation figures (used to assess taxable values), growth in the Village's tax base, and other tax-related items such as the expiration of industrial facility tax exemptions. Information for this forecast is gathered from many sources, including the Scio Township assessor, the Washtenaw County Treasurer, the State of Michigan and the Village's records.

Utility bills forecasts are contained in the Village's Utility Rate Study. These forecasts are based on the Village's expected growth, and increases in expenditures due to inflation, personnel costs and other costs. This is used to set future rates, and therefore strongly influences the budgeted revenue.

State Revenue Sharing estimates are provided by the State of Michigan on the Department of Treasury's website.

Both the Five-Year Financial Model and the Utility Rate Study are available in the appendices of this budget.

Property Taxes

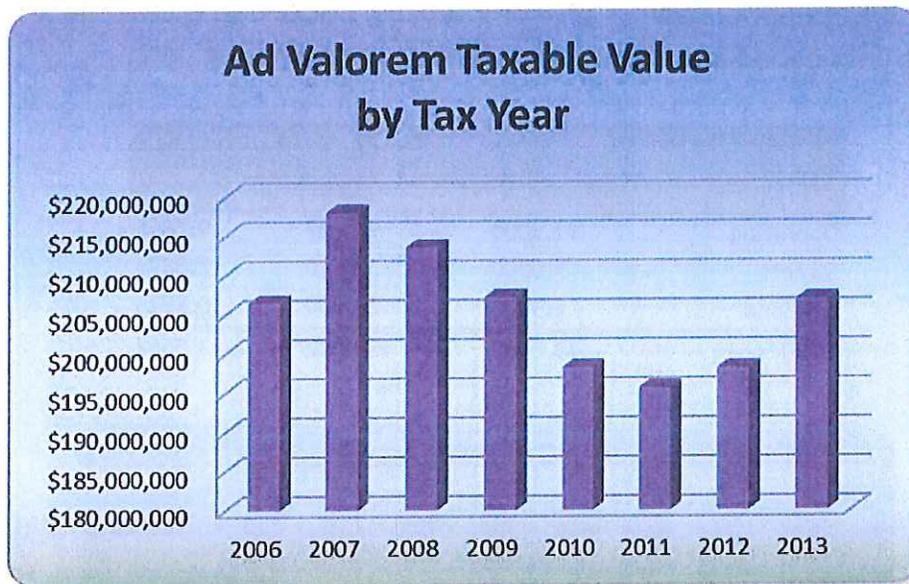
Property taxes are the largest source of revenue for the Village. This revenue is dependent upon two variables - taxable value and millage rates. The taxable value is determined by the township assessors, and the millage rate is set by the Village Council. The formula to determine total property tax revenue (as well as taxes on an individual parcel) is as follows:

$$\text{Property taxes} = \frac{\text{taxable value} \times \text{millage rate}}{1000}$$

The township assessors maintain two values for every parcel, both real and personal property, within the Village. The first value is the State Equalized Value, also known as the SEV, which is 50% of the true market value of the property. The second value is the taxable value, which came into existence as a result of 1994's Proposal A, Michigan's property tax reform law. The taxable

value of real property cannot increase higher than the rate of inflation or 5%, whichever is lower, and cannot be higher than the SEV of the property. This formula remains in place until a property is sold at which time the property becomes “uncapped” and changes to match the SEV. The limitation on increases then begin anew from the “uncapped” rate.

In the 2013 tax year, the inflation rate for assessment purposes is 1.024%. After four years of decreases in overall taxable value due to the housing and economic downturns that began in 2007, the Village saw increases in overall taxable value in both 2012 and 2013. It is hoped that in the next several years we will see a continuing strengthening in our taxable values, although with the fragile economic recovery there is no guarantee.



The Headlee Amendment of 1978 has an effect on millage rates by limiting the growth of property tax revenue from existing property. It accomplishes this by reducing the millage rates proportionally by the amount that market changes exceed the increase in the Consumer Price Index.

Village of Dexter

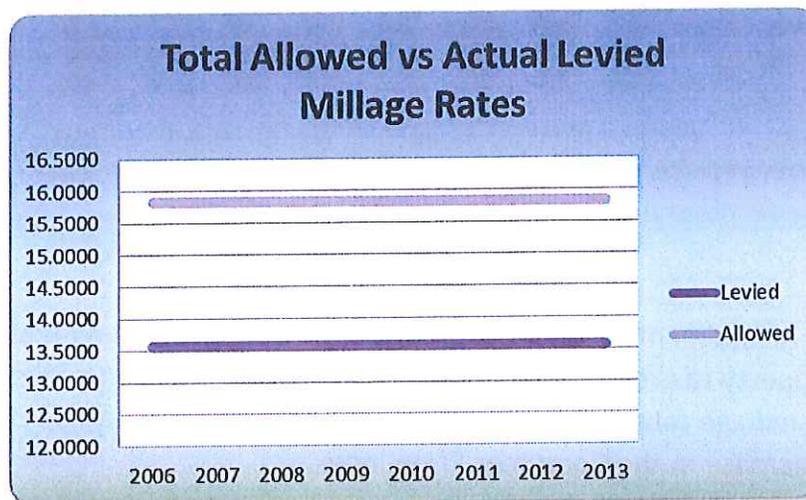
Financial Summary

Each year, the Washtenaw County Equalization Department provides the Village with a Headlee Reduction Factor. If this factor is below 1.0, then the maximum millage rate from the previous year needs to be reduced. If the factor is higher than 1.0, the law does not allow the maximum millage to be increased, so it will remain the same as the previous year.

Headlee Reduction Factors			
2006	0.9880	2010	1.0938
2007	1.0276	2011	1.0652
2008	1.0514	2012	1.0000
2009	1.0514	2013	1.0000

The Village Council has chosen to not levy the maximum millage rate in order to keep taxes as low as possible. In addition, the voters approved a general obligation bond debt millage in 1994 of 2.0 mills, but due to growth the full amount is not needed in order to meet debt payment obligations.

2012 Maximum Allowable Millage Rates			
Purpose	Original Rate	Headlee Rate	2012 Rate
Operating	12.5000	9.8807	9.8665
Streets	5.0000	3.9520	2.8874
GO Bond	2.0000	2.0000	0.8023
Total	19.5000	15.8327	13.5562



Elections (Article 4 and portions of Article 8 of the Caro Charter)

Section 1 – Qualifications of Electors

The residents of the city having the qualifications of electors in the State of Michigan who are registered in the city shall be electors in the city.

Section 2 – Procedure.

The election of the mayor and six Council persons shall be on a non-partisan basis. The general election statutes shall apply to and control all procedures relating to city elections, including qualification of electors, establishment of precincts, verification of petitions, registration of voters and voting hours. The City Clerk shall give public notice of each city election in the same manner as required by law for the giving of public notice of general elections in the state.

Section 3 – Precincts.

The election precincts of the city shall remain, as they existed on the effective date of this charter unless altered by the Elections Commission in accordance with the laws of the State of Michigan.

Section 4 – Date of Regular City Elections.

A non-partisan regular city election shall be held on the first Tuesday following the first Monday of November of even numbered years.

Section 5 – Special Election Dates.

Unless otherwise specified by this charter, special city elections shall be called by resolution of the Council in accordance with state law. Any resolution calling a special election shall set forth the purpose of such election. There shall be no more than two (2) special elections in one (1) calendar year, unless otherwise permitted or required by law.

Section 6 – Notice.

Notice of the time and place of holding any city election and of the officers to be elected and the questions to be voted upon shall be given by the City Clerk as provided in the state election law for the giving of notice by city clerks.

Section 7 – Voting Hours.

The polls of all elections shall be opened and closed in accordance with the election laws of the State of Michigan for the opening and closing of polls at state elections.

Section 8 – Nominations – Generally.

The method of nominations for all candidates for city elections shall be by petition as set forth in the Michigan Election Law, as amended.

Section 9 – Nominations – Form of Petition.

The form of petition shall substantially as that designated by the Secretary of State for the nomination of non-partisan officers. The City Clerk shall provide and maintain a supply of official petition forms.

Section 10 – Nominations - Approval of Petitions.

The nominating petitions shall be submitted in accordance with the state deadline for filing petitions. The petition(s) shall contain a minimum of 15 and a maximum of 25 signatures of registered electors for a candidate having the qualification required for the respective elective city office by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Section TBD - Nominations – Candidate to Run for Only One Office (from Chelsea Charter).

The City Clerk shall not accept nominating petitions for the election of any candidate for more than one office. However, if a candidate withdraws their petitions for election to any elective office prior to the last day for filling petitions, the candidate may thereafter file petitions for another office prior to the last day for filing petitions.

Section 11 – Nominations – Withdrawal of Candidate.

After the filing of a nomination petition by or on behalf of a proposed candidate for a city office, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the City Clerk not later than 4:00 o'clock, local time, in the afternoon of the third day after the last day for filing petitions as provided in this charter, unless the third day falls on Saturday, Sunday or city holiday, in which case the notice of withdrawal may be served on the clerk up to 4:00 o'clock, local time, in the afternoon of the next regular business day following said Saturday, Sunday or city holiday.

Section 12 -Public Inspection of Petitions.

All nomination petitions filed shall be open to public inspection in the office of the City Clerk.

Section 13 – Election Commission Created; Composition; Duties; and Compensation.

An Election Commission is hereby created, consisting of the City Clerk, a member of the City Council, and one qualified registered elector, both to be appointed by City Council. The City Attorney shall serve as an ex-officio member. The Council shall determine compensation, if any, of the members of the Election Commission. The City Clerk shall be the chairperson and two (2) members of such board shall constitute a quorum. The commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of the election personnel shall be determined, in advance, by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 14 – Form of Ballot.

The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform to that prescribed by statute, except that no party designation or emblem shall appear.

Section 15 – Custody and Safekeeping of Registered Lists and Supplies.

The City Clerk shall be responsible for the custody and safekeeping of all registration lists and supplies.

Section 16 – Absentee Ballots.

The electors of the city shall be entitled to vote by absentee ballots at any city election as provided by statute.

Section 17 – Determination of Election Ending in a Tie Vote.

If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Washtenaw County Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Section 18 – Recount.

A recount of the votes cast at any city election of any office or upon any proposition may be had in accordance with the state statute.

Section 19 – Interim Election Cycle.

Subject to Sections ?? (under Transitions) of this charter, the City Council and Mayor shall be elected. The Mayor shall be elected for a term ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2018. Three (3) City Council persons shall be elected for terms ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2018 and three (3) City Council persons shall be elected for terms ending at the first regularly scheduled meeting of the Council following the date of the certification of the city election in 2016. At each subsequent election, the Mayor and Council persons shall be elected subject to Section 2.?? (under City Council).

Section 20 – Purity of Election; State Lawful and Unlawful Acts – not included

Section 21 – Recall.

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. The temporary vacancy of the recalled official(s) shall be filled in accordance with Section 2.06 (c)(2) and shall be effective until a successor shall be elected under the provision of this Charter.

Section 22 - Notice of Election, Acceptance of Office.

Notice of the election as Mayor or member of City Council shall be given by the City Clerk within five (5) days after the certification of the election by the Board of Canvassers. If within twenty (20) days from the date of notice, such elected official shall not take, subscribe and file with the City Clerk their oath of office, such neglect shall be deemed a refusal to serve and the elected office shall thereupon be deemed vacant.

Section 23 – Initiative and Referendum Petitions – Generally. (Caro - Section 8.11)

Any ordinance may be initiated by petition, or a referendum on an enacted ordinance may be made by petition as hereinafter provided.

Section 24 – Petitions for Initiatives and Referendums (Caro - Section 8.12)

- (a) An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within forty-five (45) days before the date of filing the petition with the City Clerk.
- (b) Any such petition shall be presented on the forms as prescribed by the Secretary of State and signed and circulated by registered electors of the city.
- (c) An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.

- (d) A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.
- (e) Such petitions shall be filed with the clerk who shall, within fifteen (15) days, verify the signatures thereon.
- (f) If the petition does not contain a sufficient number of signatures of registered electors of the city, the City Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.
- (g) When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next regular meeting.

Section 25 – Petitions Council Procedures, Submission to Electors (Caro – Section 8.13).

Upon receiving an initiative or referendum petition from the City Clerk the Council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.
- (d) Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, at the discretion of the Council, at a special election called for that specific purpose.
- (e) In the case of an initiative petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call for a special election as soon thereafter as an election may be permitted by law.
- (f) The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 25 – General Provisions; Suspension. (Caro – Section 8.14)

- (a) The presentation to the Council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one (1) year after the dated of the election at which it was repealed.
- (c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provision in the ordinance receiving the highest number of affirmative votes shall govern.

Caro Charter

CHAPTER X

TAXATION

Section 10.1 POWER TO TAX

In order to carry out the purposes, powers, and duties of the city government, established by this charter, and subject to state law where applicable, the city may assess, levy, and collect ad valorem taxes, rents, tolls, and excise taxes.

Section 10.2 SUBJECT OF TAXATION

- (a) Exclusive of any levies authorized by law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent (2%) or twenty (20) mills of the taxable value of all real and personal property in the city.
- (b) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, school and any other taxing entities under the general law.
- (c) Except as otherwise provided by this charter, city taxes shall be assessed, levied, collected, and returned in the manner provided by law for Townships.

Section 10.3 TAX DAY

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of December 31, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the assessor or the Board of Review.

Section 10.4 JEOPARDY ASSESSMENTS

If the city treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property, which is, or may be, liable for taxation; or to conceal or conceals their person or their property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefore be brought without delay, the city treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

Section 10.5 ASSESSMENT

The city assessor shall annually place a value, in accordance with law, upon all property, both real and personal, in the city, which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. The council shall provide for the maintenance of the records and facilities of the office of the city assessor.

Section 10.6 ASSESSMENT ROLL

- (a) Prior to the date of the first meeting of the Board of Review in each year, the city assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volumes that the city assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this Article to any volumes of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.
- (b) The city assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the city assessor's office and mailed not less than ten (10) days before the date of the convening of the Board of Review. Neither the failure of the city assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

Section 10.7 BOARD OF REVIEW

- (a) A Board of Review is hereby created and composed of three (3) members who shall have the following qualifications: A member shall be a registered elector of the city, and shall have been a resident of the city for at least one (1) year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.
- (b) The members of the Board of Review shall be appointed by the council and may be removed for reasons of nonfeasance or misfeasance by a majority vote of the council. The first such Board of Review appointed by the council under the provisions of this charter shall be made up of three (3) qualified members appointed for two (2), three (3), and four (4) year terms. Thereafter, when terms expire, the council shall appoint a member for a three (3) year term at the first regular council meeting in January of each succeeding year. Upon a vacancy due to resignation or otherwise, the council shall appoint a member to fill the remainder of the vacant term. The council shall fix the compensation of the members of the Board.
- (c) An annual organizational meeting of the Board of Review shall be held on the first Monday in March to select one (1) of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll. The city assessor shall be the secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.
- (d) Being elected to an office of the city while serving as a member of the Board of Review shall constitute a resignation from the Board of Review.

Section 10.8 DUTIES AND FUNCTIONS OF BOARD OF REVIEW

- (a) The members of the board of review shall be officers of the city and shall take the oath of office, which shall be filed with the city clerk.
- (b) For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter.
- (c) At the time, and in the manner provided in the following section, the board of review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board of review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.
- (d) Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.
- (e) The city assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the city clerk on or before the first day of May following the meeting of the board of review.

Section 10.9 NOTICE OF MEETING

Notice of the time of the sessions of the board of review shall be published by the city assessor in a newspaper having general circulation in the city at least one (1) week prior to each session of the board and printed on the assessment notice sent as described in Section 10.6b of this charter.

Section 10.10 MEETINGS; EXAMINATION OF PERSONS APPEARING

The board of review shall meet in two (2) sessions in each year at such place as shall be designated by the council. The first session of the board shall convene on the first Monday in March of each year and may continue in session for three (3) days and as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the board, the secretary of the board shall give notice to the owners thereof according to the last assessment roll of the city by first class mail as prescribed by statute. The second session of the board shall convene on the third Monday of March of each year and shall continue in session for one (1) day and as much longer as may be necessary for the purpose of hearing appeals of property assessments. The board shall remain in session during such hours as the council may designate.

Section 10.11 CERTIFICATION OF ROLL

After the Board of Review has completed its review of the assessment roll, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll.

Section 10.12 VALIDITY OF ASSESSMENT ROLL

Upon the certification by the Board of Review the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the city for county, school and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

Section 10.13 CLERK TO CERTIFY LEVY

Within three (3) days after the adoption of the budget for the ensuing year, the city clerk shall certify to the city assessor the total amount which the council determines shall be raised by general taxation, together with such other assessments and lawful charges and amounts which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the city tax roll against property or persons.

Section 10.14 CITY TAX ROLL

After the Board of Review has completed its review of the assessment roll, the city assessor shall prepare a tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the city assessor shall proceed forthwith to:

- (a) Spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll;
- (b) Place such other assessments and charges upon the roll as are required and authorized by the council and;
- (c) Complete other said tasks as required by law.

Section 10.15 TAX ROLL CERTIFIED FOR COLLECTION

After extending the taxes and placing other assessments and charges upon the roll, the city assessor shall certify said tax roll and attach the city assessor's warrant by the tenth day of June in each year, directing and requiring the city treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting the city treasurer for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

Section 10.16 LIENS

All taxes thus assessed shall become a debt due the city as provided by general law and, as of the first day of July of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.

Section 10.17 TAX PAYMENT DATE

City taxes shall be due and payable on the first day of July each year and be delinquent after September 15. Other property taxes as permitted by law shall be due December 1 and be delinquent after February 28th. Unpaid tax assessment charges and penalties shall be turned over for collection by March 1st as provided by statute.

Section 10.18 TAXES DUE – NOTIFICATION THEREOF

The city treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, shall, forthwith, give notice to the taxpayers of the city by forwarding a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the city treasurer to mail such statement nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of nonpayment.

Section 10.19 TAX PAYMENT SCHEDULE

The council shall provide by ordinance, for a tax payment schedule and the amount of collection charges, penalties and interest to be added to taxes, charges, and assessments on the city tax roll. When so added, such collection charges, penalties and interest shall be treated in all respects as an item of taxes and collected as such. Any collection charges, penalties and interest shall be collectable in the same manner as taxes, assessments, and charges to which they are added.

Section 10.20 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

If any person shall neglect or refuse to pay any tax on personal property assessed to such person, the city treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State of Michigan. No property shall be exempt from such seizure. The city treasurer may sell the property seized, at an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The city treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by law.

Section 10.21 STATE, COUNTY AND SCHOOL TAXES

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the city treasurer shall perform the same duties and have the same powers as township treasurers under law.

Council may by ordinance, establish up to one percent (1%) property tax administration fee to add to all taxes levied by other taxing jurisdictions on real or personal property within the boundaries of the city.

Section 10.22 PROTECTION OF CITY LIEN

The city shall have the power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefore, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The council may adopt any ordinance, which may be reasonably necessary to make this section effective.

Section 10.23 TAX ROLL TO COUNTY TREASURER

All taxes, special assessments, charges, and collection fees, on the city tax roll which remain unpaid on the first day of March following the date when said roll was received by the city treasurer shall, on that date, become delinquent and shall be returned to the County treasurer at the time and in the same manner and with like effect as returns by township treasurers of township, school, and county taxes.

Such returns shall be made upon a delinquent tax roll to be prepared by the city treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as taxes returned to the County Treasurer are collected under the provisions of the general laws of the State of Michigan and shall be and remain a lien upon the lands against which they are assessed until paid.

Section 10.24 CITY INCOME TAX

No City income tax shall be levied without an approving vote of a majority of city electors voting thereon at a special or city election or as otherwise permitted by law.